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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

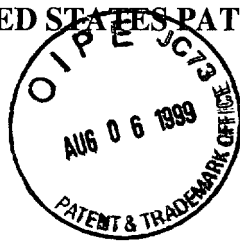
In re application of:

Paul YURT *et al.*

Appln. No.: 09/120,452

Filed: July 23, 1998

For: Audio and Video Transmission
and Receiving System



Art Unit: 2734

Examiner: Le, A.

Atty. Docket: 03047.0006.US04

Reply and Amendment Under 37 C.F.R. § 1.111

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Office Action dated June 25, 1999, (PTO Prosecution File Wrapper Paper No. 8), Applicants submit the following Amendment and Remarks.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper.

However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 08-3038.

Amendments

In the Claims:

Please amend claim 33 as follows:

33. (Amended) A communication system comprising:

a transmission system at a first location in data communication with a reception

system at a second location, wherein said transmission system comprises

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~~an identification encoder, and~~

a compressed data library in data communication with said identification encoder, wherein said identification encoder gives items in said compressed data library a unique identification code; and

wherein said reception system comprises

a transceiver in data communication with said transmission system,
a storage device in data communication with said transceiver,
user playback controls in data communication with said storage device,
a digital decompressor in data communication with said storage device, and
~~a playback device in data communication with said digital decompressor.~~

Please add the following new claims:

60. A communication system comprising:

a transmission system at a first location in data communication with a reception system at a second location, wherein said transmission system comprises

an identification encoder, wherein said identification encoder allows entry of a popularity code; and

a compressed data library in data communication with said identification encoder; and

wherein said reception system comprises

a transceiver in data communication with said transmission system,
a storage device in data communication with said transceiver,
user playback controls in data communication with said storage device,
a digital decompressor in data communication with said storage device, and
a playback device in data communication with said digital decompressor.

²⁸
~~61.~~ A communication system as recited in claim ~~60~~²⁷, wherein said transmission system further comprises:

a source material library storing a portion of at least one data file.

²⁹
~~62.~~ A communication system as recited in claim ~~61~~²⁸, wherein said transmission system further comprises:

a converter having a data input in data communication with said source material library and a digital data output.

³⁰
~~63.~~ A communication system as recited in claim ~~62~~²⁹, wherein said transmission system further comprises:

a data compressor in data communication with said digital data output of said converter.

³¹
~~64.~~ A communication system as recited in claim ~~63~~²⁷, wherein said transmission system further comprises:

a compressed data formatting device in data communication with said identification encoder.

³²
~~65.~~ A communication system as recited in claim ~~64~~²⁷, wherein said transmission system further comprises a sequence encoder.

³³
~~66.~~ A communication system as recited in claim ~~65~~³², wherein said sequence encoder transforms digital data blocks into a group of addressable data blocks.

³⁴
~~67.~~ A communication system as recited in claim ~~66~~²⁷, wherein said transmission system further comprises:

a transmitter in data communication with said compressed data library, wherein said transmitter sends at least a portion of a compressed data file to said reception system.

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A communication system as recited in claim ~~60~~, further comprising:

a user request interface in data communication with said transmission system, wherein said user request interface enables a user to make a request for at least a portion of a data file.

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A communication system as recited in claim ~~68~~, wherein said reception system comprises said user request interface.

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A communication system as recited in claim ~~69~~, wherein said reception system further comprises:

a receiver format converter in data communication with said transceiver, wherein said receiver format converter converts at least a portion of a data file into a format suitable for playback by a user.

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A communication system as recited in claim ~~70~~, wherein said reception system further comprises:

an output data converter in data communication with said digital decompressor.

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A communication system as recited in claim ~~71~~, wherein said storage device stores at least a portion of a data file.

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A communication system as recited in Claim ~~72~~, wherein said storage device stores an entire data file.

⁴¹/₇₄. A communication system as recited in Claim ³⁹/₇₂, wherein said storage device is a temporary storage device.

⁴²/₇₅. A communication system as recited in Claim ⁴⁸/₇₃, wherein said storage device is a temporary storage device.--

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 33-75 are pending in the application, with 33, 50 and 60 being the independent claims. New claims 60-75 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following Remarks, Applicants respectfully request that the examiner reconsider all outstanding objections and rejections and they be withdrawn.

Rejections Under 35 U.S.C. §102

The Examiner has rejected claims 33-37 and 41-49 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,130,792 to Tindell *et al.* ("the Tindell patent,"). Applicants believe the Examiner has misinterpreted the claim element of "identification encoder." In the application, the "identification encoder" is in data communication with a compressed data library and the identification encoder gives items in the compressed data library a unique identification code." See application page 22, ll. 3-14. The Examiner suggests that encoder 46 of the Tindell

patent teaches such a function. *See* Office Action ¶ 5, line 4. However, encoder 46 functions to encrypt data and not to give a unique identification code. *See* the Tindell patent, col. 3, ll. 25-27. Applicants have amended claim 33 to more clearly define the function of the identification encoder of the present invention. Because of their dependence on independent claim 33, claims 34-38 and 41-49 are also allowable.

Moreover, with respect to claim 44, the receiver format converter is in data communication with a transceiver *in the reception system*. Such an element is not shown or disclosed in the Tindell patent. The Examiner suggests that elements 32 and 33 [*sic*] of the Tindell patent are analogous to Applicants' claimed format converter. *See* Office Action ¶ 5, line 7. The Tindell patent discloses elements 32 and 34 as being located in the Central Data Facility 10, and not in the reception system as claimed by the Applicants.

Other Matters

The Examiner has rejected claims 33-37 and 39-59 under the doctrine of obviousness-type double patenting over claims 1-27 of U.S. Patent No. 5,132,992. Applicants submit herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection under 37 C.F.R. § 1.321(c). The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991) (the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor an estoppel on the merits of the rejection); M.P.E.P. § 804.02.

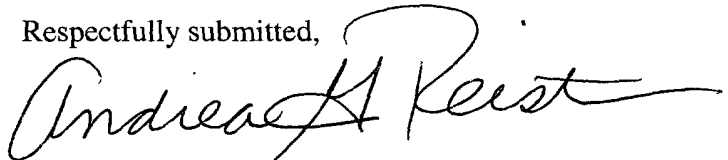
Applicants note with appreciation the Examiner's indication of allowable subject matter in claim 38. Accordingly, Applicants have added new claim 60 that incorporates the elements of original claims 33 and 38. Applicants have also added claims 61-74 that depend from new claim 60 and include the elements of claims 34-37 and 39-49. Because of their dependence on allowable claim 60, these claims are also allowable.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



Andrea G. Reister (Reg. No. 36,253)

Date: August 6, 1999

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August 6, 1999

Assistant Commissioner for Patents
Washington, DC 20231

Group Art Unit 2734
Attn: Amanda T. Le

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Re: U.S. Utility Application No. 09/120,452
Filed: July 23, 1998
For: Audio and Video Transmission and Receiving System
Inventors: Paul YURT *et al.*
Atty. Docket: 03047.0006.US04

Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office (PTO) are the following documents:

1. Form PTO-1083 (in duplicate);
2. Reply and Amendment under 37 C.F.R. § 1.111;
3. Terminal Disclaimer to Obviate a Double Patenting Rejection under 37 C.F.R. § 1.321(c);
4. Second Supplemental Information Disclosure Statement;
5. Form PTO-1449 (6 pages), with one (1) accompanying document;
6. Howrey & Simon Check No. 314495 in the amount of \$528.00 to cover the extra claims fee and the fee for submitting an Information Disclosure Statement after issuance of the first action on the merits but before issuance of a final rejection or a Notice of Allowance;
7. Howrey & Simon Check No. 314496 in the amount of \$110.00 to cover the fee for filing a statutory disclaimer; and
8. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038. A duplicate copy of this letter is enclosed.

Sincerely,

Andrea G. Reister (Reg. No. 36,253)

Enclosures